

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYMBIDIUM RESTORATION TRUST,

Plaintiff,

v.

AMERICAN HOMEOWNER
PRESERVATION TRUST SERIES
AHP SERVICING, US BANK TRUST
NA, AHP CAPITAL MANAGEMNET
LLC, AMERICAN HOMEOWNER
PRESERVATION SERIES 2015A+, US
BANK TRUST NATIONAL
ASSOCIATION, AHP SERVICING
LLC, JORGE NEWBERY, AHP
CAPITAL MANAGMENT LLC, AHP S,

Defendants.

CASE NO. 2:24-cv-00025-JNW

ORDER PERMITTING VAK CAPITAL
TRUST I (“VAK”) TO INTERVENE

The Court considers the unopposed motion to intervene at Dkt. No. 65, filed by VAK Capital Trust I (“VAK”). VAK moves to intervene as a matter of right under Rule 24(a) and, alternatively, for permissive intervention under Rule 24(b).

The Court finds that permissive intervention under Rule 24(b) is appropriate. At a minimum, VAK’s proposed counterclaim against Cymbidium for declaratory relief “shares with the main action [] common question[s] of law or fact.” *See* Fed. R.

1 Civ. P. 24(b)(1)(B). Further, given the current stage of these proceedings and the
2 unopposed nature of VAK's motion, the Court finds that the timing of VAK's
3 intervention will not prejudice the existing parties. *See* Fed. R. Civ. P. 24(b)(1)
4 (Motions to intervene must be timely.); *see also* LCR 7(b)(2) (When there is no
5 response to a motion, the Court considers the non-response "as an admission that
6 the motion has merit."). Having found that permissive intervention is warranted
7 under Rule 24(b), the Court does not consider whether VAK may intervene as a
8 matter of right under Rule 24(a).

9 Accordingly, the Court ORDERS:

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- The Court GRANTS VAK's motion to intervene, Dkt. No. 65.
 - The Court DIRECTS VAK to file its complaint within seven (7) days of the
11 date of this Order.
 - The Court DIRECTS the parties to file an updated joint status report
12 within 14 days of the date of this Order.
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16 Dated this 5th day of September, 2024.

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19 Jamal N. Whitehead
United States District Judge

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